

**BOARD OF ADJUSTMENT  
Zoning Administration Division  
Development Services Department (DSD)  
201 North Stone Avenue, Tucson, Arizona 85701**

**\*\*\* NOTICE OF DECISIONS \*\*\***

DATE OF PUBLIC HEARING    **DECEMBER 17, 2008**

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J)&(K).

<u>CASE NO.</u>	<u>THE APPLICANT</u>
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**C10-08-19 FRANK RESIDENCE ADDITION/L FRANK, 2334 EAST 1<sup>ST</sup> STREET, R-1**

The applicant is appealing the Development Services Director's decision to deny Design Development Option (DDO) case DDO-08-120. DDO-08-120 is a request by the property owner (L. Frank) to expand the two bedroom, one bath dwelling with room additions, an additional bathroom and a single car carport. The applicant filed a Design Development Option (DDO) application with the Development Services Department (DSD) requesting the zoning approval necessary to **1)** Reduce the (east) side yard building setback of the additions from nine (9') feet to zero (0') feet; and, **2)** Reduce the (south) rear yard building setback of the carport from six feet eight inches (6'8") to zero (0') feet, all as shown on the submitted plans. The applicant's DDO was denied in part, due to a protest on the project's non-compliance with the required DDO Findings of LUC Section 5.3.4.3.F, H, K, L, M and N. Tucson *Land Use Code (LUC)* Sections applicable to this project include Section 5.3.4.3 (DDO Findings); Section 2.3.4 which provides the design criteria applicable to residential development in the R-1 "Residential" zone; Sections 3.2.3, 3.2.5 and 3.2.6 which provide the development criteria for all principal and accessory structures; and, Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Development Services Director's decision on DDO applications. The applicant is requesting a reversal of the Development Services Director's decision to deny DDO-08-120.

**DECISION: REVERSE DEVELOPMENT SERVICES DIRECTOR'S DECISION TO DENY DDO-08-120 SUBJECT TO THE FOLLOWING CONDITIONS:**

- A. No glass block windows on east elevation.
- B. Carport not to be converted to habitable living space.

**[DECISION NOTE]**

By LUC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

**IMPORTANT NOTICE**

**FOR VARIANCES OR DESIGN DEVELOPMENT OPTIONS (DDO) GRANTED BY THE ACTIONS OF THIS BOARD: IF A BUILDING PERMIT IS REQUIRED FOR THE PROJECT ASSOCIATED WITH THE VARIANCE OR DDO, IT MUST BE SECURED FROM THE DEVELOPMENT SERVICES DEPARTMENT (DSD) WITHIN 180 DAYS OF THE HEARING DATE.**

**VARIANCE AND DDO APPROVALS EXPIRE WITHIN 180 CALENDAR DAYS FROM THE DATE OF THIS MEETING. TWO ADDITIONAL (180 DAY) EXTENSIONS MAY BE GRANTED PROVIDED THERE IS GOOD CAUSE AND THE REQUEST IS MADE IN WRITING.**

**UNLESS OTHERWISE NOTED, BOARD OF ADJUSTMENT DECISIONS BECOME EFFECTUATED UPON OBTAINING BUILDING PERMITS (IF REQUIRED) AND FULL COMPLIANCE WITH ALL CONDITIONS OF THE BOARD' DECISION.**

**THE 180 DAY TIME FRAME TO OBTAIN A BUILDING PERMIT DOES NOT APPLY WHEN THERE IS AN OUTSTANDING ZONING VIOLATION WHICH PRECIPITATED THE VARIANCE OR DDO REQUEST FOR THE PROPERTY. THE APPLICANT OR PROPERTY OWNER MUST CONTACT THE DEPARTMENT OF NEIGHBORHOOD RESOURCES FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.**

**RECONSIDERATION: THE BOARD OF ADJUSTMENT MAY CONSIDER ONE REQUEST FOR RECONSIDERATION BY THE APPLICANT OR A PARTY OF RECORD, PROVIDED: A) A WRITTEN REQUEST IS FILED WITH THE ZONING ADMINISTRATOR WITHIN FOURTEEN (14) CALENDAR DAYS AFTER THE BOARD HAS RENDERED ITS DECISION, AND B) THE REQUEST IS BASED UPON NEW EVIDENCE OR MATERIALS WHICH WERE NOT PRESENTED AND COULD NOT HAVE BEEN REASONABLY PRESENTED AT THE PUBLIC HEARING ON THE CASE.**

**APPEALS OF THE BOARD'S DECISION: MUST BE FILED WITH PIMA COUNTY SUPERIOR COURT WITHIN THIRTY (30) CALENDAR DAYS AFTER THE BOARD HAS RENDERED ITS DECISION.**

If you want further information, please call Russlyn Wells at 837-4948 or Wayne Bogdan at 837-4946.

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**Sue Montes, Secretary  
Board of Adjustment**